

## 37 Am. Jur. 2d Fraud and Deceit § 182

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### Fraud and Deceit

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#### IV. False Representations

##### G. Representations and Statements as to Particular Matters

##### 3. Value, Cost, and Income of Property

##### c. Income, Profits, or Rental Productivity

## § 182. As to future income, profits, rents, etc—Future dividends

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Fraud](#)  27, 28

### A.L.R. Library

[False representations as to income, profits, or productivity of property as fraud, 27 A.L.R.2d 14](#)

### Forms

[Am. Jur. Pleading and Practice Forms, Corporations § 133](#) (Complaint, petition, or declaration—For damages—Misrepresentations in prospectus—Promoter's guaranty of minimum annual dividend on stock subscription)

Fraud may be predicated on certain representations concerning future dividends.<sup>1</sup> On the other hand, it has been held that a false statement concerning future dividends is a mere prediction or opinion rather than a statement of fact and is not ordinarily actionable.<sup>2</sup>

While the rule that fraud may consist of a promise made with intent not to perform it has been applied where the defendant promised that certain dividends would be paid in the future,<sup>3</sup> promises as to future dividends have also been held to be nonactionable opinions or promises.<sup>4</sup>

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Footnotes

- 1                   State Building & Loan Ass'n v. Bradwell, 227 Ala. 606, 151 So. 689 (1933); Kentucky Electric Development Co.'s Receiver v. Head, 252 Ky. 656, 68 S.W.2d 1 (1934); Seaboard Planning Corp. v. Powell, 364 So. 2d 1091 (Miss. 1978) (guaranteed return of 8% per annum).
- 2                   Farmers' Loan & Mortgage Co. v. Langley, 166 La. 251, 117 So. 137 (1928); Howard v. Merrick, 145 Or. 573, 27 P.2d 891 (1933).
- 3                   Kentucky Electric Development Co.'s Receiver v. Head, 252 Ky. 656, 68 S.W.2d 1 (1934).
- 4                   Steele v. Singletary, 120 S.C. 132, 110 S.E. 833 (1922).

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